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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HARVEY L. WERNER REVOCABLE TRUST
U/A/D 8/31/82, AS AMENDED; VIOLET M.
WERNER, individually and in her capacity as Co-
Trustee of the Harvey L. Werner Revocable Trust
u/a/d 8/31/82, as amended; JEFFREY R. WERNER,
in his capacity as Co-Trustee of the Harvey L. Werner

Adv. Pro. No. 10-04361 (SMB)

Revocable Trust u/a/d 8/31/82, as amended; WENDY
WERNER BROWN, in her capacity as Co-Trustee of
the Harvey L. Werner Revocable Trust u/a/d 8/31/82,
as amended,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on July 23, 2018, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 64], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation prior to completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Deborah A. Reperowitz to act as mediator (the “Mediator”) in this matter. The Parties further agree to

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

contact Ms. Reperowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York
July 24, 2018

BAKER & HOSTETLER LLP

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